

**3. RESPONSE/REMARKS**

**3.1 STATUS OF THE CLAIMS**

*Claims 8-19, 32-35, 39, 40 and 44-52 were pending at the time of the Action.*

*Claims 8, 19, 32, 33, 46, and 48 have been amended herein.*

*Claims 8-19, 32-35, 39-40, and 44-52 remain pending in the application.*

Support for the pending claims can be found throughout the original specification, claims, and figures as filed. The Specification at page 31 has been amended to correct a typographical error. Applicants certify that no new matter is included by entry of the present amendments.

Support for the amendment to claim 19 is found at pages 16, lines 20-29, and at page 29, lines 22-27 of the Specification in the cross-reference to the corresponding PCT application.

Should any fees be deemed necessary in connection with entry of the amendment, the Assistant Commissioner is hereby authorized to deduct any necessary amounts from Deposit Account No. 08-1934, Order No. 36677.29.

**3.2 THE OBJECTION TO CLAIM 19 IS OVERCOME**

*The Action at page 2 objected to claim 19 allegedly for reciting a compound of formula (a), which has undefined  $R^6$ .*

Applicants respectfully traverse.

In an effort to provide the clarity requested by the Examiner, claim 19 has been amended to reflect a six-membered aromatic ring structure. Applicants believe this improves the clarity of the claim language, and respectfully requests that the objection now be withdrawn.

**3.3 A TERMINAL DISCLAIMER IS SUBMITTED.**

*The Action at page 3 provisionally objected to claims 8-19, 32-35, 39-40, and 46-52 allegedly for obviousness-type double patenting over claims 1-21 of commonly-owned co-pending application 09/787,840.*

Without acquiescing in any way to the propriety of the instant rejection, and solely to proceed to issuance claims in the pending application with minimal additional loss of patent terms, Applicants submit herewith a terminal disclaimer in view of commonly-owned co-pending application 09/787,840. Mindful of economic concerns, patent term and in an effort to prevent additional lengthy prosecution delays, Applicants believe this to be a complete response to the objection, and respectfully request that the provisional objection be withdrawn.

**3.4 THE REJECTION OF CLAIMS 8-19, 32-35, 39, 40, and 44-52 UNDER 35 U. S. C. § 112, 2ND PAR., IS OVERCOME.**

*The Action at pages 4-5 rejects claims 8-19, 32-35, 39, 40, and 44-52 under 35 U. S. C. § 112, 2nd paragraph, allegedly as being indefinite.*

Applicants respectfully traverse.

Claims 8, 32 and 33 have been clarified with respect to defining “P” as a linear peptide of from 2 to 15 monomers. Applicants believe this fully addresses the concerns of the Office and respectfully request that this rejection be withdrawn.

Claim 8 has been further clarified with respect to the definition of L in general formula II as a linker unit that links the cyclic peptide to the solid support. The claim has also been clarified with respect to clarifying the step of preparing a “linear peptide or peptidomimetic compound” of General Formula II, wherein P is defined as a linear peptide or peptidomimetic compound of 2 to 15 monomers. Applicants believe this fully addresses the concerns of the Examiner regarding clarity of the step of the method and respectfully request that the rejection be withdrawn.

Finally, claims 46 and 48 have also been clarified to conform the structure of A2 to the claimed six-member ring structure from claim 19. Applicants believe this fully addresses the

concerns of the Office regarding the clarity of these claims, and respectfully request that the rejection be withdrawn.

### 3.5 CONCLUSION

It is respectfully submitted that all claims are fully enabled by the Specification, and that all claims are definite, and free of the prior art. Applicants believe that the claims are acceptable under all sections of the Statutes and are now in conditions for ready allowance, and that all of the concerns of the Examiner have been resolved. Applicants earnestly solicit concurrence by the Examiner and the issuance of a Notice of Allowance in the case with all due speed.

Applicants note for the record their explicit right to re-file claims to one or more aspects of the invention as originally claimed in one or more continuing application(s) retaining the priority claim from the present and parent cases.

Should the Examiner have any questions, a telephone call to the undersigned Applicants' representative would be appreciated, and in particular in advance of any subsequent action on the merits.

Respectfully submitted,



Mark D. Moore, Ph.D.  
Registration No. 42,903

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HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713-547-2040  
Facsimile: 214 200-0853  
36677.29  
H-612694\_1.DOC